

PATENT  
5838-00300

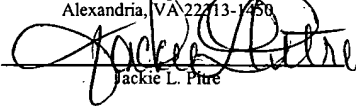
3732  
Jhw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/864,510  
Confirmation No.: 2445  
Filed: May 24, 2001  
Inventor(s):  
Murphy et al.

§  
§ Examiner: R. Lewis  
§ Group/Art Unit: 3732  
§ Old Atty. Dkt. No.: 28122.89  
§ New Atty. Dkt. No.: 5838-00300  
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Title: VENTRICULAR  
RESTORATION SHAPING  
APPARATUS AND  
METHOD OF USE

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| <p>CERTIFICATE OF MAILING<br/>UNDER 37 C.F.R. §1.8</p> <p>DATE OF DEPOSIT: <u>APRIL 11, 2005</u></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to:</p> <p>Commissioner for Patents<br/>Alexandria, VA 22313-1450</p> <p><br/>Jackie L. Pire</p> |
|--|

**REQUEST FOR SIGNED FORMS PTO 1449**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant has not received acknowledgement of all the Information Disclosure Statements filed in the present application. Applicant has enclosed the unacknowledged PTO 1449 Forms for the Information Disclosure Statement filed on July 23, 2004, (received by the PTO on July 26, 2004, as indicated on the copy of the enclosed postcard). Applicant has enclosed the unacknowledged PTO 1449 Forms for the Information Disclosure Statement filed electronically on May 19, 2004, (EFS ID: 61255). The Examiner is respectfully requested to sign and initial the attached PTO 1449 Forms to confirm his full consideration of the references cited.

Should any fees be required, the Commissioner is authorized to charge said fees to

Inventors: Murphy et al.  
Appl. Ser. No.: 09/864,510  
Atty. Dkt. No.: 5838-00300

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 50-1505/5838-00300/EBM.

Respectfully submitted,



Eric B. Meyertons  
Reg. No. 34,876

Attorney for Applicant

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.  
P.O. Box 398  
AUSTIN, TX 78767-0398  
(512) 853-8800 (voice)  
(512) 853-8801 (facsimile)

Date: 4/11/05

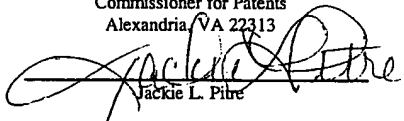


PATENT  
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§ Examiner: R. A. Lewis  
§ Group/Art Unit: 3732  
§ Atty. Dkt. No.: 5838-00300  
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|---|---------|
| CERTIFICATE OF MAILING<br>UNDER 37 C.F.R. §1.8  |         |
| DATE OF DEPOSIT:  | 7/23/04 |
| I hereby certify that this correspondence is being deposited with<br>the United States Postal Service with sufficient postage as first<br>class mail on the date indicated above and is addressed to: |         |
| Commissioner for Patents<br>Alexandria, VA 22313  |         |
| <br>Jackie L. Pire  |         |

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

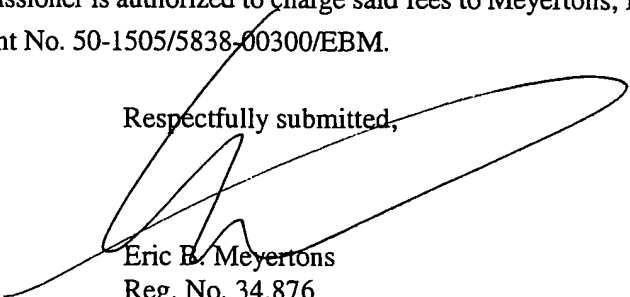
Sir:

It is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 (CC1-CC8) be considered by the Examiner and made of record. Copies of the listed documents are enclosed for the convenience of the Examiner.

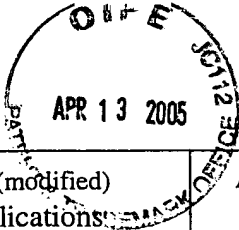
Applicant respectfully requests that the Examiner also consider the following document, a copy of which is enclosed: Written Opinion for PCT/US/02/16304 mailed May 27, 2003.

Should any fees be required, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 50-1505/5838-00300/EBM.

Respectfully submitted,

  
Eric B. Meyertons  
Reg. No. 34,876  
Attorney for Applicants

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.  
P.O. Box 398  
Austin, Texas 78767-0398  
Ph: (512) 853-8800  
Fax: (512) 853-8801  
Date: 7/23/04

**Form PTO-1449** (modified)

List of Patents and Publications

For Applicant's Information

Disclosure Statement

(Use several sheets if necessary)

ATTY. DKT. NO. 5838-00300

APPLICANT: Murphy et al.

FILING DATE: May 24, 2001

SERIAL NO. 09/864,510

GROUP: 3732

**U.S. PATENT DOCUMENTS**

| EXAM.<br>INITIALS | REF.<br>DES. | DOCUMENT NUMBER | DATE      | NAME              | CLASS | SUB<br>CLASS | FILING DATE IF<br>APPROPRIATE |
|-------------------|--------------|-----------------|-----------|-------------------|-------|--------------|-------------------------------|
|                   | CC1          | 5868779         | 2/9/1999  | Ruiz              |       |              |                               |
|                   | CC2          | 5814098         | 9/29/1998 | Hinnenkamp et al. |       |              |                               |
|                   |              |                 |           |                   |       |              |                               |
|                   |              |                 |           |                   |       |              |                               |
|                   |              |                 |           |                   |       |              |                               |

**FOREIGN PATENT DOCUMENTS**

| EXAM.<br>INITIALS | REF.<br>DES. | DOCUMENT NUMBER | DATE      | COUNTRY | CLASS | SUB<br>CLASS | TRANSLATION<br>YES/NO |
|-------------------|--------------|-----------------|-----------|---------|-------|--------------|-----------------------|
|                   | CC3          | 95/18593        | 7/13/1995 | WO      |       |              |                       |
|                   | CC4          | 2107467         | 3/27/1998 | RU      |       |              | no                    |
|                   | CC5          | 29911694        | 8/26/1999 | DE      |       |              | no                    |

**OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)**

|  |     |  |
|--|-----|--|
|  | CC6 | International Search Report for EP 02729297 mailed May 19, 2004.   |
|  | CC7 | Di Donato, M. et al. "Regional Myocardial performance of non-ischaemic zones remote from anterior wall left ventricular aneurysm - Effects of aneurysmectomy", European Heart Journal, (1995) 16, 1285-1292. |
|  | CC8 | Written Opinion for PCT/US/02/16304 mailed May 27, 2003  |
|  |     |  |
|  |     |  |
|  |     |  |
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EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the patent owner.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S): Murphy et al.  
ASSIGNEE: Chase Medical LP  
SERIAL NO.: 09/864,510  
FILING DATE: May 24, 2001  
TITLE: VENTRICULAR RESTORATION SHAPING APPARATUS AND METHOD  
OF USE  
ATTORNEY DOCKET: 5838-00300

The date stamp of the mail room of the U.S. Patent and Trademark Office hereon will acknowledge receipt of the attached 1) Information Disclosure Statement (1 page); 2) Form PTO 1449 (1 page) w/references CC1-CC8; and 3) A Return Postcard.

EBM/jlp

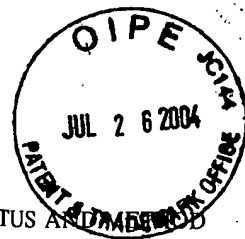
Via U.S. First Class Mail

Date:

7/23/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S): Murphy et al.  
ASSIGNEE: Chase Medical LP  
SERIAL NO.: 09/864,510  
FILING DATE: May 24, 2001  
TITLE: VENTRICULAR RESTORATION SHAPING APPARATUS AND METHOD  
OF USE  
ATTORNEY DOCKET: 5838-00300



The date stamp of the mail room of the U.S. Patent and Trademark Office hereon will acknowledge receipt of the attached 1) Information Disclosure Statement (1 page); 2) Form PTO 1449 (1 page) w/references CC1-CC8; and 3) A Return Postcard.

EBM/jlp

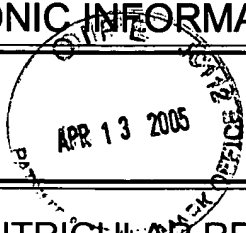
Via U.S. First Class Mail

Date:

7/23/04

# ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18  
 Stylesheet Version v18.0



## Title of Invention

**VENTRICULAR RESTORATION SHAPING APPARATUS AND  
 METHOD OF USE**

Application Number: 09/864510

**\*09/864510\***

Confirmation Number: 2445

First Named Applicant: Gregory Murphy

Attorney Docket Number: 5838-00300

Art Unit: 3732

Examiner: Ralph Lewis

Search string: ( 6152144 or 6419669 or 6551303 or 6652556 or 6261832 or 6123715  
 or 5725552 or 5846261 or 5944738 or 4817637 or 5749839 or 5964806  
 or 20030163191 or 20030109770 or 20030105384 or 20030060674 or  
 20030158570 or 20030050685 ).pn.

## US Patent Documents

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

| init | Cite.No. | Patent No. | Date       | Patentee          | Kind | Class | Subclass |
|------|----------|------------|------------|-------------------|------|-------|----------|
|      | 1        | 6152144    | 2000-11-28 | Lesh et al.       |      |       |          |
|      | 2        | 6419669    | 2002-07-16 | Frazier et al.    |      |       |          |
|      | 3        | 6551303    | 2003-04-22 | Van Tassel et al. |      |       |          |
|      | 4        | 6652556    | 2003-11-25 | Van Tassel et al. |      |       |          |
|      | 5        | 6261832    | 2001-07-17 | Law               |      |       |          |
|      | 6        | 6123715    | 2000-09-26 | Amplatz           |      |       |          |
|      | 7        | 5725552    | 1998-03-10 | Kotula et al.     |      |       |          |
|      | 8        | 5846261    | 1998-12-08 | Kotula et al.     |      |       |          |
|      | 9        | 5944738    | 1999-08-31 | Amplatz et al.    |      |       |          |
|      | 10       | 4817637    | 1989-04-04 | Hillegass et al.  |      |       |          |
|      | 11       | 5749839    | 1998-05-12 | Kovacs            |      |       |          |
|      | 12       | 5964806    | 1999-10-12 | Cook et al.       |      |       |          |

## US Published Applications

Note: Applicant is not required to submit a paper copy of cited US Published Applications

| init | Cite.No. | Pub. No. | Date | Applicant | Kind | Class | Subclass |
|------|----------|----------|------|-----------|------|-------|----------|
|      |          |          |      |           |      |       |          |

|  |   |             |            |                     |
|--|---|-------------|------------|---------------------|
|  | 1 | 20030163191 | 2003-08-28 | Nikolic et al.      |
|  | 2 | 20030109770 | 2003-06-12 | Sharkey et al.      |
|  | 3 | 20030105384 | 2003-06-05 | Sharkey et al.      |
|  | 4 | 20030060674 | 2003-03-27 | Gifford, III et al. |
|  | 5 | 20030158570 | 2003-08-21 | Ferrazzi            |
|  | 6 | 20030050685 | 2003-03-13 | Nikolic et al.      |

**Remarks**

Note: Remarks are not for responding to an office action.

Should any fees be required, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert and Goetzel, P.C. Deposit Account No. 50-1505/5838-00300/EBM.

**Signature**

|                      |             |
|----------------------|-------------|
| <b>Examiner Name</b> | <b>Date</b> |
|                      |             |

APR 13 2005  
OFFICE OF THE  
COMMISSIONER OF PATENT AND TRADEMARKUNITED STATES PATENT AND TRADEMARK OFFICE  
ACKNOWLEDGEMENT RECEIPT

Electronic Version v1.1

Stylesheet Version v1.1.1

## Title of Invention

VENTRICULAR RESTORATION SHAPING APPARATUS AND METHOD  
OF USE

Submission Type: Information Disclosure Statement

Application Number: 09/864510 \*09/864510\*

EFS ID: 61255

Server Response:

| Confirmation Code | Message  |
|-------------------|--|
| ISVR1             | Submission was successfully submitted - Even if Informational or Warning Messages appear below, please do not resubmit this application  |
| ICON1             | 2445   |
| ISYS5             | Filename= N/A BusinessRule= Validation System/Function Call Information. #Supporting Msg:Server unable to validate the Confirmation/Application numbers at this time. They will be checked by PTO personnel later. |

First Named Applicant: Gregory Murphy

Attorney Docket Number: 5838-00300

Timestamp: 2004-05-19 16:43:48 EDT

From: us

File Listing:

| Doc. Name        | File Name           | Size (Bytes) |
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| us-ids           | eIDS2-usidst.xml    | 4508         |
| us-ids           | us-ids.dtd          | 7763         |
| us-ids           | us-ids.xml          | 12026        |
| package-data     | eIDS2-pkda.xml      | 1963         |
| package-data     | package-data.dtd    | 27025        |
| package-data     | us-package-data.xml | 19263        |
| Total files size |                     | 72548        |

Message Digest: b7a04cb4b76a8d17733eea78567fbc7140ef1bad

Digital Certificate Holder Name: cn=Eric B. Meyertons,ou=Registered Attorneys,ou=Patent and Trademark Office,ou=Department of Commerce,o=U.S. Government,c=US



TRANSMITTAL

Electronic Version v1.1  
Stylesheet Version v1.1.0

**Title of Invention****VENTRICULAR RESTORATION SHAPING APPARATUS AND METHOD  
OF USE**

Application Number: 09/864510 \*09/864510\*

Date: 2001-05-24

First Named Applicant: Gregory Murphy

Confirmation Number: 2445

Attorney Docket Number: 5838-00300

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I, the undersigned, certify that I have viewed a display of document(s) being electronically submitted to the United States Patent and Trademark Office, using either the USPTO provided style sheet or software, and that this is the document(s) I intend for initiation or further prosecution of a patent application noted in the submission. This document(s) will become part of the official electronic record at the USPTO.

| Submitted by:                                  | Elec. Sign.       | Sign. Capacity |
|--|-------------------|----------------|
| Eric B. Meyertons<br>Registered Number: 34,876 | Eric B. Meyertons | Attorney       |

|  |  |
|--|--|
| <b>Documents being submitted</b><br>us-ids | <b>Files</b><br>eIDS2-usidst.xml<br>us-ids.dtd<br>us-ids.xsl |
| <b>Comments</b>                            |  |